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U.S. DISTRICT COURT

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DISTRICT OF UTAH

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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

DAVID RUTTER, an individual; TODD FISHER, an individual; FIBERTEL, INC., a Utah Corporation; K&D DEVELOPMENT, L.C., a Utah Limited Liability Company; and DOUGLAS A. SMITH, an individual,

Plaintiffs,

vs.

MARC S. JENSON, an individual; MSF PROPERTIES, LC, a Utah limited liability company; BANK ONE, N.A., a national banking association; MARK ROBBINS, an individual; MADTRAX GROUP, LLC, a Utah limited liability company; SPENCER BRANNAN, an individual; and FIRST WASATCH DEVELOPMENT, INC., a Nevada corporation, and DOES 1-50,

Defendants.

JUDGMENT BY CONFESSION

Case No. 2:04-cv-00867-TS-BCW

Honorable Ted Stewart
Magistrate Judge Brook C. Wells

By Settlement Agreement dated September 6, 2008, Plaintiffs David Rutter, Todd Fisher, Fibertel, Inc., K&D Development, LC, and Douglas A. Smith (collectively referred to as

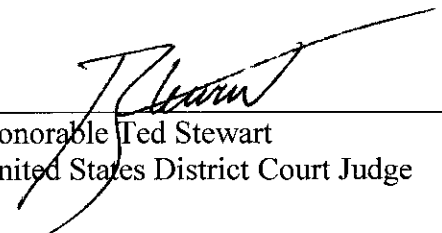
"Plaintiffs") and Defendants Marc S. Jenson and MSF Properties, LC (collectively referred to herein as the "Jenson Defendants") (Plaintiffs and the Jenson Defendants are collectively referred to herein as the "Parties") agreed to settle all of Plaintiffs' claims against the Jenson Defendants based on the Jenson Defendants' promise to make certain scheduled payments over a period of one year. The Parties further agreed that in the event the Jenson Defendants failed to make any payment as scheduled, Plaintiffs would be entitled to the immediate entry of judgment, after notice to the Jenson Defendants, by confession against the Jenson Defendants in the amount of \$300,000 less any amount paid by Jenson Defendants pursuant to the Settlement Agreement prior to the date of entry of judgment. As established by the Declaration of Plaintiffs' counsel of record, the Jenson Defendants failed to make payment of \$90,000 due on December 5, 2008, and no other previous payments were made. Plaintiffs are therefore entitled to judgment in the amount of \$300,000.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Judgment is awarded against the Jenson Defendants and in favor of Plaintiffs in the amount of \$300,000.
2. The amount of the judgment hereby confessed does not exceed the amount due to Plaintiffs.

DATED THIS 19th day of August 2010.

BY THE COURT:



Honorable Ted Stewart
United States District Court Judge